

## CCRB INVESTIGATIVE RECOMMENDATION

|  |   |  |   |   |                                 |
|--|---|--|---|---|---------------------------------|
| Investigator:<br>Rolando Vasquez                 | Team:<br>Squad #8   | CCRB Case #:<br>201700961                  | <input type="checkbox"/> Force                        | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.   |
|  |   |  | <input type="checkbox"/> Abuse                        | <input type="checkbox"/> O.L.                 | <input type="checkbox"/> Injury |
| Incident Date(s)<br>Monday, 02/06/2017 4:25 PM   | Location of Incident:<br>Pennsylvania Avenue and Flatlands Avenue | Precinct:<br>75                            | 18 Mo. SOL<br>8/6/2018                                | EO SOL<br>8/6/2018                            |                                 |
| Date/Time CV Reported<br>Mon, 02/06/2017 4:56 PM | CV Reported At:<br>CCRB   | How CV Reported:<br>Call Processing System | Date/Time Received at CCRB<br>Mon, 02/06/2017 4:56 PM |   |                                 |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
|                    |      |              |

| Subject Officer(s)  | Shield | TaxID  | Command |
|---------------------|--------|--------|---------|
| 1. POM Tyler Angelo | 21443  | 959456 | 075 PCT |

| Witness Officer(s)       | Shield No | Tax No | Cmd Name |
|--------------------------|-----------|--------|----------|
| 1. POM Michael Fernandez | 02762     | 943226 | 075 PCT  |

| Officer(s)         | Allegation  | Investigator Recommendation |
|--------------------|---|-----------------------------|
| A.POM Tyler Angelo | Discourtesy: Police Officer Tyler Angelo acted discourteously toward § 87(2)(b) |                             |

### Case Summary

§ 87(2)(b) reported this incident on February 6, 2017 with the CCRB by phone.

On February 6, 2017, at approximately 4:25 p.m., § 87(2)(b) was driving in the vicinity of Pennsylvania Avenue and Flatlands Avenue in Brooklyn. § 87(2)(b)'s vehicle was stopped by PO Tyler Angelo and PO Michael Fernandez from the 75<sup>th</sup> Precinct. § 87(2)(b) was issued two summonses for moving violations by PO Angelo. PO Angelo allegedly threw the summonses at § 87(2)(b) (**Allegation A**). There is no video that captures this incident.

### Mediation, Civil and Criminal Histories

- This case was suitable for mediation and it was offered to § 87(2)(b) over the phone and during his in-person interview. § 87(2)(b) chose to have his complaint investigated.
- The NYC Office of the Comptroller responded to a request indicating that § 87(2)(b) has not filed a notice of claim regarding this incident (BR01).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
§ 87(2)(b)

### Civilian and Officer CCRB Histories

- This is the first complaint filed by § 87(2)(b) with the CCRB (BR03).
- PO Angelo has been a member of the service for one year and this is the first complaint against him (BR04).

### Findings and Recommendations

#### Allegations not pleaded

- § 87(2)(g)  
§ 87(2)(b)

#### Allegation A - Discourtesy: Police Officer Tyler Angelo acted discourteously toward § 87(2)(b)

§ 87(2)(b) testified that he was driving home by himself (BR05). § 87(2)(b) approached the intersection of Pennsylvania Avenue and Flatlands Avenue. § 87(2)(b) was driving cautiously because there was a lot of traffic in the area and there were other cars exiting a gas station at the intersection. § 87(2)(b) turned onto Flatlands Avenue and was pulled over shortly thereafter. PO Fernandez approached and spoke with § 87(2)(b) in an aggressive and authoritative tone. PO Fernandez told § 87(2)(b) that he ran a red light. § 87(2)(b) attempted to explain that he did not run the red light but was asked a second time for his license, which he complied in providing. PO Fernandez and PO Angelo returned to their car. § 87(2)(b) saw the officers through his rearview mirror, saw that they were laughing, and thought that they were laughing because they enjoyed stopping people for minor reasons. § 87(2)(b) also saw other cars making the turn onto Flatlands Avenue in the same manner he had done but who were not being stopped by the police. PO Angelo approached § 87(2)(b)'s car. § 87(2)(b) began to lower his window. Before § 87(2)(b) could finish rolling down his window, PO Angelo said, "Here's your ticket, sir" and threw the ticket through the window. The ticket landed on the floor. § 87(2)(b) picked up the ticket and saw that there were two tickets. § 87(2)(b) became angered by this and turned to

complain to PO Angelo, however the officers had already driven away. § 87(2)(b) had been calm until the very end of the interaction when he made this realization.

PO Angelo testified that § 87(2)(b)'s vehicle was stopped for running a red light and failing to yield to vehicular traffic when he turned onto Flatlands Avenue (BR06). PO Fernandez spoke with § 87(2)(b) explained why he had been stopped, and asked for his license and registration. PO Angelo did not remember how § 87(2)(b) responded except that he provided his credentials. PO Angelo and PO Fernandez went back to their car. PO Angelo wrote the summonses for § 87(2)(b)'s moving violations. Because he wrote the summonses, PO Angelo returned to give them to § 87(2)(b). PO Angelo handed them to § 87(2)(b) explained why he was receiving two summonses, explained how to deal with the summonses, and told him to drive safely. § 87(2)(b) did not drop the summonses and there was no trouble at all with § 87(2)(b) taking the summonses. § 87(2)(b) did not respond to receiving the summonses. From everything PO Angelo remembered the car stop was routine.

PO Fernandez testified that he had no specific recollection of this incident and was unable to remember the incident after being provided details of the incident and seeing a picture of § 87(2)(b) (BR07).

Patrol Guide 203-09 states that officers must “be courteous and respectful” in their conduct with the public (BR08).

§ 87(2)(g)

Squad: 8

|               |           |       |       |
|---------------|-----------|-------|-------|
| Investigator: | _____     | _____ | _____ |
|               | Signature | Print | Date  |

|               |                 |       |       |
|---------------|-----------------|-------|-------|
| Squad Leader: | _____           | _____ | _____ |
|               | Title/Signature | Print | Date  |

|           |                 |       |       |
|-----------|-----------------|-------|-------|
| Reviewer: | _____           | _____ | _____ |
|           | Title/Signature | Print | Date  |